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U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:17-cv-03571-JSW

American Civil Liberties Union et al v. Department of Justice
Assigned to: Hon. Jeffrey S. White
Cause: 05:552 Freedom of Information Act

Date Filed: 06/21/2017
Date Terminated: 04/15/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Civil Liberties Union of
Northern California**

represented by **Anna Natalia Diakun**
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TERMINATED: 11/15/2018

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Plaintiff

American Civil Liberties Union

represented by **Anna Natalia Diakun**
(See above for address)
ATTORNEY TO BE NOTICED

Linda Lye
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TERMINATED: 11/15/2018

Matthew Thomas Cagle
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Patrick Toomey
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 ATTORNEY TO BE NOTICED

Plaintiff

American Civil Liberties Union Foundation

represented by **Anna Natalia Diakun**
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Linda Lye
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 TERMINATED: 11/15/2018

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Patrick Toomey
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V.

Defendant

Department of Justice

represented by **Courtney Enlow**
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 TERMINATED: 07/17/2018

Date Filed	#	Docket Text
06/21/2017	<u>1</u>	COMPLAINT <i>COMPLAINT FOR INJUNCTIVE RELIEF</i> against Department of Justice (Filing fee \$ 400, receipt number 0971-11488531.). Filed by American Civil Liberties Union of Northern California, American Civil Liberties Foundation of Northern California, American Civil Liberties Union. (Attachments: # <u>1</u> Civil Cover Sheet)(Lye, Linda) (Filed on 6/21/2017) (Entered: 06/21/2017)
06/21/2017	<u>2</u>	Proposed Summons. (Lye, Linda) (Filed on 6/21/2017) (Entered: 06/21/2017)
06/21/2017	<u>3</u>	Certificate of Interested Entities by American Civil Liberties Foundation of Northern California, American Civil Liberties Union, American Civil Liberties Union of Northern California <i>CERTIFICATION OF INTERESTED ENTITIES OR PERSONS</i> (Lye, Linda) (Filed on 6/21/2017) (Entered: 06/21/2017)

06/21/2017	<u>4</u>	NOTICE of Appearance of Matthew T. Cagle (Lye, Linda) (Filed on 6/21/2017) Modified on 6/22/2017 (jmlS, COURT STAFF). (Entered: 06/21/2017)
06/21/2017	<u>5</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-11489210.) filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union, American Civil Liberties Union of Northern California. (Diakun, Anna) (Filed on 6/21/2017) (Entered: 06/21/2017)
06/21/2017	<u>6</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-11489337.) filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union, American Civil Liberties Union of Northern California. (Toomey, Patrick) (Filed on 6/21/2017) (Entered: 06/21/2017)
06/21/2017	<u>7</u>	<p>Case assigned to Magistrate Judge Kandis A. Westmore.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 7/5/2017. (jmlS, COURT STAFF) (Filed on 6/21/2017) (Entered: 06/21/2017)</p>
06/22/2017	<u>8</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 9/12/2017. Initial Case Management Conference set for 9/19/2017 01:30 PM in Courtroom 4, 3rd Floor, Oakland. (jmlS, COURT STAFF) (Filed on 6/22/2017) (Entered: 06/22/2017)
06/22/2017	<u>9</u>	Summons Issued as to Department of Justice, U.S. Attorney and U.S. Attorney General (jmlS, COURT STAFF) (Filed on 6/22/2017) (Entered: 06/22/2017)
06/23/2017	<u>10</u>	ORDER by Judge Kandis A. Westmore granting <u>5</u> Motion for Pro Hac Vice re Anna Diakun. (kawlc1, COURT STAFF) (Filed on 6/23/2017) (Entered: 06/23/2017)
06/23/2017	<u>11</u>	ORDER by Judge Kandis A. Westmore granting <u>6</u> Motion for Pro Hac Vice re Patrick Toomey. (kawlc1, COURT STAFF) (Filed on 6/23/2017) (Entered: 06/23/2017)
06/23/2017	<u>12</u>	NOTICE of Appearance by Anna Natalia Diakun (<i>Pro Hac Vice</i>) (Diakun, Anna) (Filed on 6/23/2017) (Entered: 06/23/2017)
06/23/2017	<u>13</u>	NOTICE of Appearance by Patrick Toomey (<i>Pro Hac Vice</i>) (Toomey, Patrick) (Filed on 6/23/2017) (Entered: 06/23/2017)
06/27/2017	<u>14</u>	SUMMONS Returned Executed by American Civil Liberties Union of Northern California, American Civil Liberties Union Foundation, American Civil Liberties Union. Department of Justice served on 6/22/2017, answer due 7/13/2017. (Lye, Linda) (Filed on 6/27/2017) (Entered: 06/27/2017)
06/28/2017	<u>15</u>	CERTIFICATE OF SERVICE by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California <i>Proof of Service of Documents</i> (Lye, Linda) (Filed on 6/28/2017) (Entered: 06/28/2017)
07/05/2017	<u>16</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California.. (Lye, Linda) (Filed on 7/5/2017) (Entered: 07/05/2017)
07/14/2017	<u>17</u>	NOTICE of Appearance by Timothy Andrew Johnson (Johnson, Timothy) (Filed on 7/14/2017) (Entered: 07/14/2017)

07/14/2017	<u>18</u>	ANSWER to Complaint by Department of Justice. (Johnson, Timothy) (Filed on 7/14/2017) (Entered: 07/14/2017)
07/14/2017	<u>19</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Justice.. (Johnson, Timothy) (Filed on 7/14/2017) (Entered: 07/14/2017)
07/17/2017	<u>20</u>	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice. (sisS, COURT STAFF) (Filed on 7/17/2017) (Entered: 07/17/2017)</i></p>
07/17/2017	<u>21</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Jeffrey S. White for all further proceedings. Magistrate Judge Kandis A. Westmore no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras . Signed by Executive Committee on 7/17/2017. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(jmlS, COURT STAFF) (Filed on 7/17/2017) (Entered: 07/17/2017)
07/18/2017	<u>22</u>	ORDER SETTING CASE MANAGEMENT CONFERENCE AND REQUIRING JOINT CASE MANAGEMENT CONFERENCE STATEMENT. Signed by Judge Jeffrey S. White on 7/18/17. Joint Case Management Statement due by 9/22/2017. Initial Case Management Conference set for 9/29/2017 11:00 AM in Courtroom 5, 2nd Floor, Oakland. (jjoS, COURT STAFF) (Filed on 7/18/2017) (Entered: 07/18/2017)
08/09/2017	<u>23</u>	JOINT CASE MANAGEMENT STATEMENT filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California, Department of Justice. (Lye, Linda) (Filed on 8/9/2017) Modified on 8/10/2017 (cjls, COURT STAFF). (Entered: 08/09/2017)
08/10/2017	<u>24</u>	CASE MANAGEMENT ORDER. Signed by Judge Jeffrey S. White on 8/10/17. Opening Motions due by 9/1/2017. Cross Motion and Responses due by 9/29/2017. Cross Opposition and Replies due by 10/20/2017. Reply due by 11/3/2017. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White.(jjoS, COURT STAFF) (Filed on 8/10/2017) (Entered: 08/10/2017)
09/01/2017	<u>25</u>	MOTION for Summary Judgment filed by Department of Justice. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Responses due by 9/29/2017. Replies due by 10/20/2017. (Attachments: # <u>1</u> Exhibit 1, Declaration of Susan L. Kim, # <u>2</u> Proposed Order)(Johnson, Timothy) (Filed on 9/1/2017) (Entered: 09/01/2017)
09/29/2017	<u>26</u>	Cross MOTION for Summary Judgment <i>and Opposition</i> filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Judge Jeffrey S. White. Responses due by 10/20/2017. Replies due by 11/3/2017. (Lye, Linda) (Filed on 9/29/2017) (Entered: 09/29/2017)
09/29/2017	<u>27</u>	Declaration of Anna Diakun in Support of <u>26</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' MSJ</i> filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Attachments: # <u>1</u> Exhibit Exhibits 1–29)(Related document(s) <u>26</u>) (Lye, Linda) (Filed on 9/29/2017) (Entered: 09/29/2017)

09/29/2017	28	Proposed Order Re: 26 Cross MOTION for Summary Judgment and Opposition by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Lye, Linda) (Filed on 9/29/2017) Modified on 10/2/2017 (cjls, COURT STAFF). (Entered: 09/29/2017)
10/20/2017	29	Opposition to 25 MOTION for Summary Judgment and REPLY to 26 Cross MOTION for Summary Judgment filed by Department of Justice. (Johnson, Timothy) (Filed on 10/20/2017) Modified on 10/23/2017 (cjls, COURT STAFF). (Entered: 10/20/2017)
10/27/2017	30	Unopposed ADMINISTRATIVE MOTION extension of page limitation and [Proposed] Order filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. Responses due by 10/31/2017. (Lye, Linda) (Filed on 10/27/2017) Modified on 10/30/2017 (cjls, COURT STAFF). (Entered: 10/27/2017)
10/30/2017	31	ORDER by Judge Jeffrey S. White granting AS MODIFIED 30 Unopposed Administrative Motion for extension of page limitation. (jjoS, COURT STAFF) (Filed on 10/30/2017) (Entered: 10/30/2017)
11/03/2017	32	REPLY (re 26 Cross MOTION for Summary Judgment <i>and Opposition</i> , 25 MOTION for Summary Judgment) filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Lye, Linda) (Filed on 11/3/2017) (Entered: 11/03/2017)
11/03/2017	33	Declaration of Matthew Cagle in Support of 32 Reply to Opposition/Response, <i>Declaration of Matthew Cagle in Support of Plaintiffs' Reply</i> filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Related document(s) 32) (Lye, Linda) (Filed on 11/3/2017) (Entered: 11/03/2017)
11/08/2017	34	CLERK'S NOTICE CONTINUING HEARING ON CROSS MOTIONS FOR SUMMARY JUDGMENT Motion Hearing set for 1/5/2018 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Judge Jeffrey S. White. (jjoS, COURT STAFF) (Filed on 11/8/2017) (Entered: 11/08/2017)
01/03/2018	35	CLERK'S NOTICE VACATING HEARING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT (jjoS, COURT STAFF) (Filed on 1/3/2018) (Entered: 01/03/2018)
01/22/2018	36	NOTICE by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California <i>of Supplemental Authority</i> (Lye, Linda) (Filed on 1/22/2018) (Entered: 01/22/2018)
01/22/2018	37	Joint ADMINISTRATIVE MOTION leave to file supplemental briefs filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. Responses due by 1/26/2018. (Lye, Linda) (Filed on 1/22/2018) Modified on 1/23/2018 (cps, COURT STAFF). (Entered: 01/22/2018)
01/23/2018	38	ORDER GRANTING 37 Joint Administrative Motion for Leave to File Supplemental Briefs. Supplemental Briefs due by 2/9/2018. Signed by Judge Jeffrey S. White on January 23, 2018. (jswlcc3S, COURT STAFF) (Filed on 1/23/2018) (Entered: 01/23/2018)
02/09/2018	39	Defendant's Brief Regarding the Ninth Circuit's Decision in ACLU of Northern California v. Department of Justice filed by Department of Justice. (Johnson, Timothy) (Filed on 2/9/2018) Modified on 2/12/2018 (cjls, COURT STAFF). (Entered: 02/09/2018)
02/09/2018	40	Plaintiff's Supplemental Brief Regarding Recent Authority filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Attachments: # 1 Declaration Second Declaration of Matthew Cagle)(Lye, Linda) (Filed on 2/9/2018) Modified on 2/12/2018 (cjls, COURT STAFF). (Entered: 02/09/2018)
07/17/2018	41	NOTICE of Substitution of Counsel by Courtney Enlow (Enlow, Courtney) (Filed on 7/17/2018) (Entered: 07/17/2018)

10/10/2018	<u>42</u>	NOTICE of Change of Address by Courtney Enlow (Enlow, Courtney) (Filed on 10/10/2018) (Entered: 10/10/2018)
11/14/2018	<u>43</u>	NOTICE of <i>Withdrawal of Counsel Linda Lye and [Proposed] Order Permitting Withdrawal</i> by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California (Cagle, Matthew) (Filed on 11/14/2018) Modified on 11/15/2018 (jmlS, COURT STAFF). (Entered: 11/14/2018)
11/14/2018	<u>44</u>	ORDER GRANTING <u>43</u> Notice of Withdrawal of Counsel. Signed by Judge Jeffrey S. White on November 14, 2018. (jswlc3S, COURT STAFF) (Filed on 11/14/2018) (Entered: 11/14/2018)
03/20/2019	<u>45</u>	ORDER REQUIRING PRODUCTION OF DOCUMENTS FOR IN CAMERA REVIEW. Signed by Judge Jeffrey S. White on 3/20/19. (jjoS, COURT STAFF) (Filed on 3/20/2019) (Entered: 03/20/2019)
03/27/2019	<u>47</u>	NOTICE OF LODGING PAPER COPIES OF SEALED DOCUMENTS FOR EX PARTE, IN CAMERA REVIEW re <u>45</u> Order by Department of Justice. (Enlow, Courtney) (Filed on 3/27/2019) Modified on 3/27/2019 (cjls, COURT STAFF). (Entered: 03/27/2019)
04/01/2019	<u>48</u>	ORDER DIRECTING THAT DOCUMENT NO. 46 BE MAINTAINED IN HARD COPY ONLY. Signed by Judge JEFFREY S. WHITE on 4/1/19. (jjoS, COURT STAFF) (Filed on 4/1/2019) (Entered: 04/01/2019)
04/15/2019	<u>49</u>	ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT. Signed by Judge Jeffrey S. White on 4/15/19. (jjoS, COURT STAFF) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	<u>50</u>	JUDGMENT. Signed by Judge JEFFREY S. WHITE on 4/15/19. ***Civil Case Terminated.(jjoS, COURT STAFF) (Filed on 4/15/2019) (Entered: 04/15/2019)